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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,378	07/21/2006	Andrew William Atkins	011765-0325709	9656
909 7590 12/01/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
SMITH, COURTNEY L				
ART UNIT		PAPER NUMBER		
2835				
MAIL DATE		DELIVERY MODE		
12/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/567,378

**Applicant(s)**

ATKINS ET AL.

**Examiner**

COURTNEY L. SMITH

**Art Unit**

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/07/2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 02/07/2006

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. **Claim 3** is objected to because of the following informalities: **It is to be noted that the airflow control device-22, page 4, lines 13-14 is disclosed in the specifications as valve-22, page 4, lines 22, although claim 3 does not further limit the assertion of the airflow control device to be a valve. The Examiner hereby ascertains the airflow control device to be a valve since they are disclosed and labeled as such. If these elements are otherwise intended to be separate elements appropriate action is required.**
2. **Claims 12-13** objected to because of the following informalities: Line(s) 3-4: 'a temperature control device according to claim 1' is incorrectly asserted since claim 1 has already set forth a temperature control device. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-13**, are rejected under 35 U.S.C. 102(e) as being anticipated by **(Muncaster 2005/0219809)**.

**Regarding Claim 1**, Muncaster discloses a temperature control device for a disk drive unit, the temperature control device comprising: a housing **(90, 15-Fig. 3)** for connection to a carrier **(3-Fig. 1)** for a disk drive unit **(102, 202-Fig. 2)**; an air flow generator **(105-Fig. 3)** arranged in the housing for providing a flow of air to the disk drive unit in the connected carrier; and, an air flow control device, **(Detailed Description 0074—where baffle can be pivoted about a vertical axis and include a motor and/or doors or valves)** arranged at the side of the air flow generator and selectively configurable to control the air flow path whereby the temperature of air flowing to the disk drive unit can be controlled.

**Regarding Claim 2**, Muncaster discloses a temperature control device according to claim 1, comprising at least two apertures **(16 & 17)** in a side of the housing for providing possible air flow paths.

**Regarding Claims 3-4**, Muncaster discloses a temperature control device according to claim 2, comprising a linearly movable valve and pinion **(Detailed Description 0074—where baffle can be pivoted about a vertical axis and include a motor and/or doors or valves)** to control a degree of opening of the apertures. **It is to be noted that the airflow control device-22, page 4, lines 13-14 is disclosed in the specifications as valve-22, page 4, lines 22.**

**Regarding Claims 5-7, Muncaster** discloses a temperature control device according to any of claims 2, comprising a heat exchanger **(18-Fig. 4)** in communication with the apertures arranged to selectively receive and cool at least a portion of the air from a said disk drive unit thereby to provide chilled air, wherein the air flow control device is selectively operable to cause air to recirculate directly across a said disk drive unit **(as depicted in Fig. 4).**, or to cause at least a portion of the air that has passed over a said disk drive unit to pass through the heat exchanger **(as depicted in Fig. 4).**

**Regarding Claim 8, Muncaster** discloses a temperature control device according to claim 5, wherein the first and second apertures are capable of being open or closed in a desired proportion such that air provided to a said disk drive unit is a mixture of directly recirculated air and air from the heat exchanger **(as depicted by airflow at 16, 17, and 18-Fig. 4).**

**Regarding Claim 9, Muncaster** discloses a temperature control device according to claim 1, comprising a selectively operable heater **(112-Fig. 3, Detailed Description 0017)** in the air flow path to a said disk drive unit for selectively heating air prior to said air flowing across a said disk drive unit.

**Regarding Claim 10, Muncaster** discloses a temperature control device according to any claim 1, wherein the air flow generator is a radial fan **(Detailed Description 0074).**

**Regarding Claim 11, Muncaster** discloses a disk drive unit test apparatus for receiving a plurality of disk drive units, the test apparatus comprising: a plurality of temperature control devices (**several temperature control devices--Detailed Descriptions 0074**) according to claims 1; and a plurality of carriers (**plurality of carrier modules--Detailed Description 0035**), each for connection to a respective one of the temperature control devices and each for receiving a respective disk drive unit.

**Regarding Claims 12-13, Muncaster** discloses a method of testing one or more disk drive units, wherein the temperature of each of the one or more disk drive units is independently controlled (**Detailed Description 0003**) during testing/operation of the disk drive units, the temperature being controlled using a temperature control device according any to claim 1.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20070253157 A1	Atkins; Andrew W. et al.	Fig. 2, 5
US 20040212920 A1	Tadepalli, Srinivas et al.	Fig. 4-3
US 5307222 A	Dion; F. Eugene	

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY L. SMITH whose telephone number is (571)272-9094. The examiner can normally be reached on Monday-Friday 7:30a-5p (1st Fri. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. L. S./

/Jayprakash N Gandhi/  
Supervisory Patent Examiner, Art Unit 2835